

## **REMARKS**

### **I. Status and Disposition of the Claims**

In the instant Application, claims 25-48 are pending and claims 1-24 are canceled. Of the pending claims, claims 25, 31, 33, 39, and 41 are independent, claims 25, 33, and 41 have been amended, and claims 31 and 39 have been allowed.

In the outstanding Office Action<sup>1</sup> ("Office Action"), the Examiner rejected claims 25, 27-30, 33, 35-38, 41, and 43-46 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 2002/0184224 A1, Haff et al. ("Haff") in view of U.S. Patent No. 7,030,875 B2, to Gupta et al. ("Gupta"). Office Action at page 6. The Examiner also rejected dependent claims 26, 34, and 42 under 35 U.S.C. § 103(a) as being unpatentable over Haff in view of Gupta, and further in view of U.S. Application Publication No. 2004/0002790 A1, Senn ("Senn"). *Id.* at page 10.

Applicant respectfully submits that the claims, as amended, are patentable over the cited references. Accordingly, Applicant requests withdrawal of the above-identified rejections.

Lastly, Applicant thanks the Examiner for allowing independent claims 31 and 39.

### **II. Amendments to the Claims**

Independent claim 33 has been amended to recite, in relevant part:

receiving a selection of data or programs from the list from the robot apparatus, wherein the data or programs are selected by the robot apparatus to comply with a requested service in the service request;

---

<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

(Emphasis added). Claims 25 and 41 were similarly amended. Support for the above amendments may be found at least at Figure 6 and page 28, lines 1-9 of Applicant's Specification. Accordingly, no new matter is introduced.

### III. Claims Rejections Under 35 U.S.C. § 103(a)

The Office Action rejected claims 25, 27-30, 33, 35-38, 41 and 43-46 under 35 U.S.C. § 103(a) as unpatentable over Haff in view of Gupta. Office Action at page 6. Moreover, the Office Action rejected dependent claims 26, 34, and 42 as being unpatentable over Haff in view of Gupta, and further in view of Senn. *Id.* at page 10. Applicant respectfully traverses these rejections.

Amended independent claim 33 recites, in relevant part:

receiving a selection of data or programs from the list from the robot apparatus, wherein the data or programs are selected by the robot apparatus to comply with a requested service in the service request;

(Emphasis added). Haff, Gupta and Senn, whether considered alone or in combination, do not teach or suggest at least the above-identified element of amended claim 33.

Citing para. [0171] of Haff, the Examiner contends that Haff teaches "receiving a selection of data or programs from the list from the requesting PC." Office Action at page 7. Haff's para. [0171] states, in relevant part:

In a preferred embodiment, a user function is provided to invoke a file request sequence that allows the user to request files from a selected index in order to request files from the associated destination PC address. Still further, when one or more files listed in the index are selected by the user, a control module initiates transmission of the request for the files ...

(Emphasis added). Even assuming *arguendo* that (1) Haff's "index" is analogous to Applicant's formulated "list," as recited in claim 33, and (2) Haff's "request for one or

more files in the index” is analogous to Applicant’s “selection of data or programs,” as recited in claim 33, which Applicant does not concede, neither Haff’s para. [0171], nor Haff in general teaches “receiving a selection of data or programs from the list from the robot apparatus,” as recited in claim 33, at least because Haff does not teach “the data or programs [being] selected by the robot apparatus to comply with a requested service in the service request.”

First, the Office Action itself admits that Haff’s “request for one or more files in the index,” which the Examiner analogizes to the “selection of data or programs,” as recited in claim 33, is “made by a user.” Office Action at page 5 (Emphasis added). This is contrary to the language of amended claim 33, where the data or programs are “selected by the robot apparatus.” And second, Haff’s para. [0171] itself explains that “when one or more files listed in the index are selected by the user, a control module initiates transmission of the request for the files.” Therefore, Haff’s para. [0171] teaches a request for one or more files from an index being made by a user and not automatically by a robot apparatus or even a computer.

Lastly, Haff’s para. [0171] also discloses that upon receiving “a request for one or more files in an index, a control module calls a compression subroutine which copies and compresses the files contained in the received request, creates a packet file and passes the packet to the pending events file.” But the mere disclosure of a module copying and compressing files selected by a user from an index does not constitute a teaching or disclosure of “receiving a selection of data or programs from the list from the robot apparatus, wherein the data or programs are selected by the robot apparatus to comply with a requested service in the service request,” as recited in amended claim

33. The files being copied, compressed and packaged have already been selected by a user and the mere involvement of a computing module for tasks such as copying, compression and packaging does not amount to a disclosure of the data or programs from a list being selected by a robot apparatus. Consequently, neither Haff's para. [0171], nor Haff in general teaches or suggests "receiving a selection of data or programs from the list from the robot apparatus, wherein the data or programs are selected by the robot apparatus to comply with a requested service in the service request."

Gupta is directed to the representation of spatial relations among objects using Delaunay triangulation as a data structure, see Gupta at Abstract, and does not teach the above-identified elements of amended claim 33 that Haff fails to teach or suggest. Accordingly, Haff and Gupta, alone or in combination, fail to render amended claim 33 obvious. Independent claims 25 and 41, although of different scope, contain elements similar to the above-identified elements of claim 33 that are not disclosed by Haff and Gupta. Therefore, like claim 33, claims 25 and 41 are also patentable over Haff and Gupta. Moreover, dependent claims 27-30, 35-38, and 43-46 are also patentable over these references, at least by virtue of their dependence from claims 25, 33 and 41.

The Office Action also rejected dependent claims 26, 34, and 42 under 35 U.S.C. § 103(a) as being unpatentable over Haff in view of Gupta, and further in view of Senn. Office Action at page 10. Claims 26, 34, and 42 depend from independent claims 25, 33, and 41, respectively. As explained above with regard to independent claim 33, neither Haff nor Gupta teaches or discloses "receiving a selection of data or programs from the list from the robot apparatus, wherein the data or programs are selected by the

robot apparatus to comply with a requested service in the service request,” as recited in independent claim 33. Senn does not make up for the above-identified deficiencies in Haff and Gupta, and indeed the Examiner does not contend that Senn teaches the above-recited elements of claim 33.

Since the above-recited elements of independent claim 33 are not disclosed by Haff, Gupta, or Senn, and independent claims 25 and 41, although of different scope, contain elements similar to these elements of claim 33 that are not disclosed by Haff, Gupta, or Senn, independent claims 25, 33 and 41 are each patentable over these references. Accordingly, claims 26, 34, and 42 are also patentable over Haff, Gupta, and Senn, at least due to their dependence from claims 25, 33, and 41, and Applicant requests the withdrawal of the rejection of claims 26, 34, and 42 under 35 U.S.C. § 103(a).

#### **IV. Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 28, 2010

By: /David W. Hill/  
David W. Hill  
Reg. No. 28,220